

Report on the Progress Toward Identifying and Implementing an Accreditation Process for the Blood Alcohol Testing and Alcohol Screening Program

In compliance with provision of H.264 of the 2011 General Assembly

Effective Date: **January 5, 2015**



Vermont Department of Public Safety

Vermont Forensic Laboratory

Progress on identifying and implementing an accredited program for blood alcohol testing and alcohol screening and transfer from the Department of Health to the Vermont Forensic Laboratory.

The 2011 Vermont General Assembly transferred the Blood/Breath Alcohol Testing Program from the Department of Health to the Department of Public Safety.

Sec. 20 (H.264) BLOOD AND ALCOHOL TESTING AND ALCOHOL SCREENING DEVICES; AUTHORITY OF DEPARTMENT OF PUBLIC SAFETY; RULEMAKING

(D) Notwithstanding any other provision of law, on March 1, 2012, or on the effective date of the rules required to be adopted by subsection (a) of this section, whichever is earlier, the department of public safety shall assume the authority transferred to it by this act over the blood and breath alcohol testing and alcohol screening program.

The VFL established the necessary components of this program by March 1, 2012. At that time processes and procedural manuals were implemented that addressed the current needs of the field. The program has been in successful operation at the Vermont Forensic Laboratory for nearly three years with declining challenges throughout that time. In 2014, 684 blood alcohol results were reported and 517 relation back affidavits were provided. This is a substantial increase based on information provided by Department of Health on alcohol sample submissions referenced in the analysis provided in preparation for the program. In that document, alcohol submissions for 2008 through 2011 averaged 156 per year.

Two positions were transferred from the Department of Health to the Department of Public Safety in February of 2012. One, an electronics position to maintain the DataMaster DMT instruments, another, a Chemist qualified to analyze and testify to alcohol results. The Blood and Breath Alcohol program of the Vermont Forensic Laboratory is supervised by Trisha Conti, PhD. A second Chemist was hired in 2012 and is fully trained to analyze blood alcohol samples and testify to the results.

In 2013, the administrative rules were successfully amended to reflect the program change. The staff has continued to refine procedures to meet the more stringent requirements of accreditation standards in the forensic laboratory. This includes development of best practices regarding measurement uncertainty and training staff to meet those requirements.

To meet the increased documentation of quality assurance and traceability for accreditation standards, vendors who are also accredited have been identified and contracted to supply critical reagents and provide instrument maintenance and calibration. Measurement uncertainty has been determined for blood alcohol analysis and is now being incorporated into the reported results.

Progress to date:

Policies and procedures have been developed and implemented which have allowed the program to function smoothly since March 1, 2012. The court challenges have fallen off dramatically while the number of analyses provided has increased.

Amended rules were adopted that reflect the current status of the program.

On December 2, 2014, ASCLD/LAB granted the VFL a six-month extension of the current Legacy accreditation, extending the expiration date from December 4, 2014 to June 4, 2015. This action was taken to provide sufficient time for a successful transition from the ASCLD/LAB Legacy program to the ASCLD/LAB-*International* testing program.

Documentation for lab-wide ASCLD/LAB-*International* testing accreditation has been submitted with an anticipated assessment in late-May to early-June of 2015. Following that process, an application for ASCLD/LAB-*International* breath alcohol calibration accreditation will be submitted for the breath alcohol program.

The alcohol program, and laboratory as a whole, is in the process of developing further quality assurance measures to meet ASCLD/LAB-*International* standards.

Prepared by Trisha Conti, Senior Forensic Chemist, Alcohol Program Supervisor, Vermont Forensic Laboratory